



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 28, 1995

Ms. Donna M. Atwood
Legal Counsel
Dallas/Fort Worth International Airport
P.O. Drawer 619428
DFW Airport, Texas 75261-9428

OR95-147

Dear Ms. Atwood:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 30910.

The Dallas/Fort Worth International Airport ("DFW") has received a request for certain information submitted in response to a request for qualifications for a contract awarded for professional analytical and laboratory services. Specifically, the requestor seeks "prices from the request for the proposal for laboratory services from all companies that submitted prices." You indicate that DFW has contacted all companies who provided pricing information. Only one company, Star Analytical ("STAR"), claimed to have a commercial or financial privacy interest in the requested information. You have submitted the requested information to us for review and ask whether section 552.110 of the Government Code excepts it from required public disclosure.


Pursuant to section 552.305 of the Government Code, we notified the party whose proprietary interests are implicated by this request and received a response. STAR claims that section 552.110 of the Government Code excepts the requested information from required public disclosure, because it is confidential financial information.

Section 552.110 protects the property interests of private persons by excepting from required public disclosure two types of information: (1) trade secrets, and (2) commercial or financial information obtained from a person and privileged or confidential by statute or judicial decision. STAR claims that the requested information constitutes confidential financial information. We are aware of no common-law provision, other than the doctrine of trade secret--not claimed in this instance--which

would except the information from disclosure. Additionally neither STAR nor DFW has cited, nor are we aware of any statute which would except the information from disclosure. See Open Records Decision No. 592 (1991). Therefore, you may not withhold the information pursuant to section 552.110.¹

Because you have raised no other exception to required disclosure, you must release the requested information in its entirety. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Margaret A. Roll
Assistant Attorney General
Open Government Section

MAR/LMM/rho

Ref.: ID# 30910

Enclosures: Submitted documents

cc: Ms. Lori Miller
ERMI Environmental Laboratories
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(w/o enclosures)

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¹We note also that STAR makes no specific claim of substantial competitive harm.